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HAYNE AND HIS CAREER.

Julian D. Hayne might have been a respected and even distinguished man but for the sinister twist in his conscience which made him prefer the wrong act to the right one. Then he, in surface aspects, few more attractive, persuasive and brilliant men have come to these shores during the past twenty years. He had not been here long before he made a marked impression on the Social Science Club and on the best part of the community. He adorned any conversation, he was equal to any demand that was made upon his intellectual powers, and in an address before the students of Oahu College he reached a very high plane of moral exhortation. Yet all the while Julian D. Hayne had the instincts of the crook, and behind him, as well as before him, was a career of picturesque rascality.

A slight thing, a transient and untruthful boast, turned the eye of suspicion upon him. He claimed to have written the then popular opera—this was fifteen years ago—"The Isle of Champagne." Somebody in Honolulu had the score and knew the names of the authors. Hayne's was not among them. The local papers touched the matter up, inquiries about the claimant were made on the mainland, some ugly facts were learned, and Julian D. Hayne ceased to find a welcome where one had been freely given him before.

In revenge he turned on his whilom friends in the easiest way then possible, by becoming an active foe of the "missionaries" and of the Provisional government, a disturber of the peace on the side of the restorationists, the editor of a magazine which inspired race hatreds and sedition. In his editorial capacity he was resourceful to a degree; but before he could do a great amount of harm he committed one or two crimes, in mainland jurisdiction, which landed him in Sing Sing prison for a term of eight years and four months. He had an alias, but was tried in New York City as Julian D. Hayne. He denied his identity, whereupon the District Attorney sent to New Haven for various Yale students from Honolulu, including Wm. T. Rawlins, who identified him on sight. Hayne, being a lawyer, conducted his own defence. "You say you have seen me in Honolulu?" he said. "Where?" "The last time I saw you there," answered Rawlins, "was at Oahu College, where you were addressing the students on 'Success in Life.'"

Hayne served his term in Sing Sing, where he was editor of the Star of Hope and a teacher of young convicts. With credits he was able to reduce the period of confinement to seven years and a few months. But a tenth of his natural life had been lost to him. The time was long enough in which to have established a practice of the law or to have attained journalistic position. A man of Hayne's accomplishments might have made an honest competency in seven years; but he spent all that time behind the bars, with a suit of clothes, his pocket money and five dollars from the State with which to begin life anew when he got out.

Should it be reform and a brave fight then? Should he profit by his errors and be stepping stones to better things? Not he. The curious yellow streak in the man asserted itself, and, with his face scarcely free of the prison pallor, we find him at his old tricks, plotting crimes. As a means to that end he became a private detective, a business which may be reputable if the man is, but which is an easy cover for blackmail and fraud. Soon enough it brought opportunity to Hayne. He shadowed a man to Nicaragua; he saw a chance to get a contract for cartridges; he sold his customer cartridge boxes filled with brass and copper filings and collected \$11,000 before he was found out. And now he faces another long term in prison—years of doing tasks for which he will get no pay, counting the days and weeks and twelvemonths, gnawing the file of discontent, yet planning in his idle moments some subtle villainy to commit when his day of release shall come, and thus incur again the penalties of the law.

There is no use in trying to reform such a man as Hayne. His nature is criminal; and as well might one seek to change the spots of the leopard or the skin of the Ethiopian as to make this chevalier d'industrie honest. While he lives and has a chance, he will prey upon society.

"HONEST MONEY."

Editor Advertiser.—With much interest and pleasure I read the Advertiser's report of Secretary Garfield's speech at Ala Park, but when I came to his reference to "honest money" and "dishonest money," I was disappointed.

Secretary Garfield ought to be wise enough to know, and patriotic enough to say, that any money which our government issues and guarantees is good money and honest money, and that it is treason to intimate anything to the contrary. WALTER THURTELL.

And yet some millions of Americans believe in a basis for the currency which other millions of Americans, a voting majority, as the record shows, hold to be dishonest. The argument is that currency, to be honest, should be redeemable in gold of the intrinsic value of the sum stamped on whatever medium of exchange, silver or paper, nickel or copper, may be used for convenience' sake in place of it. So long as our currency is on a gold basis, it deceives or cheats nobody; when it rests upon the mere fiat of the government, its value may be reduced or altered by the policy of that government and holders of current funds may lose accordingly.

Money issued by any government is of no more worth, unless redeemable in something of stable and accepted value, than is the note of a rich man which contains no acknowledgment of indebtedness or no promise to pay. "The man behind," even if a Rockefeller, is no guarantor, unless he plainly accepts responsibility of a definite sort. That is why his notes and contracts, instead of resting on his character or wealth, read "payable in the gold coin of the United States." The same thing is true of the nation. Its mere fiat on a piece of paper, "This is money," counts for nothing; and its declaration that so much of a depreciating and fluctuating metal as silver must be accepted as legal tender for a certain sum at all times and under all circumstances, and without reference to the customary form of redemption, would force American credit below par in all the markets of the world and invite a panic and general bankruptcy.

The old Greenback party, the Populists and the 1896 Bryanites were, no doubt, honest in their views; but if they had secured what they were after, the American people, themselves included, would have suffered disaster from which recovery would be slow.

A milk ticket that pretends to be milk is a fraud. A car ticket that pretends to be a ride, is a humbug. An unredeemable dollar that pretends to be worth more than its intrinsic value, which may be five cents, is a swindle.

Leaders of the Republican party, like Secretary Garfield, are right in denouncing any scheme to take the United States currency away from its sound basis and put it on the quicksands of Greenbackism, Populism or Bryanism.

REVISING LAND LAWS.

Governor Froom's statement that the laws regulating the disposal of public land should be more exact, precise, and definite, not leaving so much to the discretion or caprice of the administrative authorities, is a most excellent one. The clothing of administrative officers with untrammelled power and latitude to do things or not to do them, and to do them in whatever way (within limits, usually wide) may seem best to the officials themselves, is one of the relics of old Hawaii, and has no place whatever in an American Territory. The land laws, of all laws having to do with property, should exactly define every man's rights and duties regarding the public land. If the present agitation shall stir up Congress to seriously seek to make the laws relating to public lands in this Territory meet conditions, the possibilities for progress and a citizen population, it will be one of the best things Congress can do for Hawaii.

But the mere extension of the Federal homestead laws to the Territory will be a damage to the country. Those laws are wholly unsuited to either our lands or our conditions. They would result in nothing but land speculation and public land abuses.

It must be a satisfaction to Mayor McClellan, now that his term is nearly over, to know that he really was elected Mayor of Greater New York.

THE RESIGNATION OF DR. COFER.

The people of Hawaii will learn with infinite regret that Dr. L. E. Cofer has resigned from the position of President of the Territorial Board of Health, even though such resignation be temporary, and though the public will still receive the benefit of his unofficial services.

The people of Hawaii have known Dr. Cofer long enough and intimately enough to know that he is the man for the office in question, and they want him to remain in that office. He is energetic and progressive, but at the same time has a pleasant and persuasive way about him which accomplishes results which would not be obtainable without these qualifications. Moreover, his control of the Federal health powers and funds is of especial benefit in this city, where we are always subject to epidemics from Asia.

There is a deep feeling of suspicion in the community generally that there are ulterior motives involved in questioning the title of Dr. Cofer to the office of President of the Board of Health, in view of the fact that ever since the Territory was organized, Federal officials have been appointed to and held Territorial offices without question, and in further view of the fact that it suits the purposes of certain would-be leaders who would like to make a political football of the Board of Health and its work, and feel that they will be unable to do so with a man of Dr. Cofer's caliber filling the position. If this is not so, why has not the question been raised long ago, in connection with some other office?

As to the legal points involved, the charge that Dr. Cofer is occupying the office without drawing a salary is constructive bribery, is effectively disposed of by the Governor and the Attorney-General, who point out that the cases which have been cited in support of this position are exclusively those of candidates for elective office, in which the candidate has held out as a reason for voting for him that he would serve for a lower salary, or no salary at all.

In the case of Dr. Cofer, he did not seek the office; in fact, he had to be urged to take it. The two cases are not parallel, and the argument in this case is but a legal quibble to cover the real animus of the attack.

The only other reason given why Dr. Cofer is ineligible to the office of President of the Board of Health is, that he holds a Federal office, and that the general statutes of the United States prohibit a Federal officer from holding a Territorial office.

The law invoked is one passed early in the fifties. It contains several provisions. The first part of it prohibits members of the Legislature of a Territory from being appointed to office under certain conditions. A second provision prohibits persons holding office under the United States, except postmasters, from being members of a Territorial Legislative Assembly. A third provision is that "no person holding a commission . . . under the United States . . . shall hold any office under the government of any Territory."

In and of itself, this would appear to be conclusive; but, it is an elementary principle of law that a statute, general in its terms, is superseded by a later statute which undertakes to specifically cover the points covered by the general statute, even though the general statute is not in terms repealed.

It so happens that when the Organic Act of Hawaii was drawn, the subject matter of the old statute of 1854 was covered by a specific section which expressly omitted the words above quoted, prohibiting Federal officers from holding Territorial office, the Organic Act of Hawaii, relating to the subject matter reading as follows:

"No person holding office in or under or by authority of the government of the United States or of the Territory of Hawaii shall be eligible to election to the Legislature, or to hold the position of a member of the same while holding the said office." There is no prohibition, except as to holding office in the Legislature.

The application of the principle above referred to is, that when Congress came to legislate for Hawaii, concerning the subject matter of the old general statute of the fifties, it omitted the prohibition of Federal officers holding Territorial office, and thereby, by inference, repealed the old general statute, in so far as it applied to Hawaii.

In support of this position is the practical interpretation of the statute to this effect, given by both the authorities at Washington and in Hawaii, by repeatedly and without question appointing Federal officers to Territorial office, where the character of the man or the necessities of the situation made it advisable, ever since the Territory was organized.

Another and very strong interpretation of the statute is contained in the report of the "Commission to Revise and Codify the Laws of the United States," filed at the last session of Congress.

This report was made by a commission of able lawyers who had been appointed to compile the many statutes passed by Congress and separate them under appropriate heads and chapters.

In carrying out this work of segregation, the Code Commission segregated the statutes relating to Territories into the following heads:

- Chapter 1. Provisions common to all the Territories.
- Chapter 2. Provisions relating alone to New Mexico and Arizona.
- Chapter 3. Provisions relating alone to Alaska.
- Chapter 4. Provisions relating alone to Hawaii.

The general statute above quoted is not included in Chapter 1, containing "Provisions common to all Territories."

The general statute above quoted is contained in Chapter 2, as being applicable to New Mexico and Arizona alone, those Territories being ones in which the general laws of the United States are applicable, and concerning which no specific legislation has been enacted upon this point.

Chapter 4, relating to Hawaii, does not contain the provisions of the old general statute of the fifties, but in place thereof contains the section above quoted, which prohibits an officer of the United States becoming a member of the Legislature of Hawaii, and which omits to prohibit him from holding an executive office.

The foregoing segregation by this disinterested Code Commission is conclusive of the fact that in their opinion the general statute does not apply to Hawaii, but to Arizona and New Mexico alone, no special legislation covering this point having been enacted as relating to them; while on the contrary special legislation has been enacted covering the subject matter of the old statute, as to Hawaii.

Just what the trouble in Mexico is not given us to know, but there have been hints along back that a strong party opposed to American enterprises in the cactus republic had arisen and might make trouble. For twenty years there has been a veritable American invasion of Mexico, bringing capital and developing mineral lodes and plantations, until suspicion and distrust have arisen in many minds. The fear is that, when American capital owns all the great properties of Mexico, or the majority of them, the question of annexation may become acute. It may be to change the policy of the government in this respect that the revolutionists are in the field, in which event it will prove an exceedingly good thing for Mexico to suppress them.

The letter of President Roosevelt to Rudolph Spreckels encouraging the work he is doing for the civic betterment of San Francisco, should strengthen the waning spirit of reform. San Francisco public opinion has come to that pass where it once more needs the stimulus of aggressive honesty. How the weakening process has been applied is too long a story to tell here, but it is certain that the Coast metropolitan is losing its nerve in the fight against municipal wickedness which Mr. Spreckels has so capably led. A little of the Rooseveltian tonic ought to do the city good.

It would be a pity now that Peary has put his stakes within 200 miles of the Pole, if the lack of a mere \$25,000 should keep him from advancing them to the Pole itself. Peary thinks he has a good chance, but his previous backers are dead, and people are few since the panic to whom outlays for polar exploration appeal. It is cold and uncertain enough for most of them right at home.

It is fortunate that we have a Chapter of the Sons of the Revolution here, or the observance of the Fourth of July might often be without the accessories of speaking and music. But the Sons are always up and doing, as their minute-men ancestors were, and so there will be the usual ceremonies in the Capitol grounds next Saturday.

The man or woman who started the report yesterday that the Alameda had gone down, will, if discovered, deserve the publicity which is sure to follow. The story is responsible for many painful episodes.

Bryan and Gray would make as strong a ticket as the Democrats could name. For second place, both Johnson and Mitchell have taken themselves out of the running.

There should be three bands with the battleship fleet, so if Berger's band can not make enough noise it isn't likely that the hiatus will seem oppressive.

WOMAN'S FITNESS FOR WAR.

Women could be soldiers just as well as men, and so merit the suffrage as really as their brothers, lovers, or husbands, maintains Lady Agnes Grove in The Fortnightly Review, and the Literary Digest. The argument against votes for women, the great plea that has been hurled at the heads of the "Suffragettes" is that "war is the ultima ratio," and because this "last argument" can never be practically applied by woman, she must ever remain man's political subordinate. This plea has been made over and over again, adds Lady Grove. To quote her words:

"It has been and is used again and again by statesmen and lawyers, such as Lord James and Mr. Asquith; it was paraded yet again in a leading article in The Times as lately as February 29 last, and supported by correspondents to the same newspaper as 'not only the strongest but the one unanswerable argument,' and it has been solemnly advanced as the one conclusive argument by a leading weekly journal, whose standing in the intellectual world is generally acknowledged."

But it is all nonsense, says this somewhat pertinacious advocate of the "Suffragettes." The following is her statement:

"Let us examine this dogmatic assertion that 'war is the ultima ratio.' It is accompanied by the glib assumption, which is apparently regarded as an indisputable axiom, that 'nature has deprived women of the right to use that argument against men!' It is the one thing nature has not done. Civilization has, I hope, accomplished this for us, but nature most distinctly has nothing whatever to do with it. Surely the writer has forgotten that there was a time when human beings were in a more 'natural' state than they can be said to be in now, when the male's only form of courtship was a struggle with the lady who had engaged his affections, and that the female always successfully resisted a suitor when she had bestowed her preference on a favored rival. The confusion between what is unnatural and what is unusual, against which John Stuart Mill warned controversialists on this subject, is again apparent. 'In the feudal ages,' says Mill, 'war and politics were not thought unnatural to women because not unusual.' How, even now, would 'nature' prevent women at this moment from facing an enemy, from donning a uniform, from marching to the battleground?"

She supposes that if a sex war took place in England, certainly an uncivil rather than a civil war, women would show the men how to shoot straight. Thus we read:

"Let us imagine all the available inhabitants of Great Britain drawn up in battle array opposite each other—men on one side and women on the other. Given to women a few generations of training such as soldiers have had in discipline and gunnery and all the paraphernalia of war, given the same means of acquiring arms, given the generalship of Joan of Arc, given the numerical preponderance of able-bodied women (a fact that I never shrink, seeing that 'nature' provides the world with a still greater preponderance of male infants), given all these circumstances, I am not at all sure that 'nature' would guarantee all the men invulnerability from the female bullets. It is true that in sporting parlance the betting would be perhaps 2 to 1 on the 'favorite,' which, in virtue of its greater familiarity with the battlefield, would probably be the male army. But certainly nature would have nothing to do with preventing such a contingency in the unlikely event of women making up their minds to provoke the arbitration of war to decide their claims."

HILO'S COMPLAINT.

If G. C. Kennedy means by his letter to the Fleet Committee that Honolulu prefers seeing the whole fleet here to having it scattered about the harbors of the group, he has hit the nail on the head. It is better to have a big circus at a central point than to break it up into sideshows for many points. But if Mr. Kennedy thinks that anything Honolulu is doing or has done deprived Hilo of a chance to get a visit from the battleships, or any of them, he is talking at random. There never was a Hilo item in the fleet orders for this cruise, and Honolulu had nothing to do with making the itinerary; but we can assure Mr. Kennedy that if Hilo can get an item inserted, taking the fleet there en route to Samoa, Honolulu will not object in the least.

In fact, if Hilo had bestirred itself, as the leper colony did, to get a view of the fleet in the first place, it might have succeeded. A course could have been laid to take the big ships by Hilo and then to Honolulu via the Settlement. This would have used up more time and coal, but all the American mainland ports have succeeded in changing the schedule a little. Perhaps there is even yet the opportunity to do something in the way of second choice. Instead of growling and saying to Honolulu, "I won't play in your yard," Hilo should cable the Admiral, asking him to twist the next leg of his voyage a bit and give Hilo a chance to see the ships. If he yields the point, Honolulu will be glad; if he doesn't, this city won't be responsible.

Link McCandless, taking time from his customary pursuit of land-grabbing, has forced the resignation of one of the best presidents the Board of Health ever had. It is a great victory for Link, however damaging it may be to the Territory. It will not, however, interfere with his morgue privileges after election, as these will be cordially extended by any president the Board will be likely to have at that time.

If ten thousand sailors of the Atlantic fleet would land and have a dress parade on the old race track acreage at the Park, it would be a sight such as Honolulu never saw and might never see again.

It is clear that Officer Apana does not mean to leave enough material outside the pound to supply any sort of a yellow dog ticket.

Collecting back sewer rates is flushing the sewer funds.

SHERIFFS AND HACK DRIVERS

Territorial Treasurer Campbell has referred to Attorney General Hemenway the question of whether he can issue a hack driver's license on the certificate of the High Sheriff of the competency of the applicant as a driver, and of the soundness of horse, hack and harness. The question has arisen in the case of Joe Luca. He applied to Sheriff Iaukea for the certificate as to competency as a driver and the soundness of horse, hack and harness which is required before a license can be issued. Sheriff Iaukea refused on grounds other than those of competency. Luca then applied to the High Sheriff, who, after making the necessary examination, issued the certificate, and this was presented to the Treasurer and a license applied for.

In 1904, Takichi Sakata and three other Japanese hackmen were refused certificates of this kind on the ground that they did not speak or understand the English language well enough to be hackmen. They sought to compel the issuance of certificates by mandamus, and the Supreme Court, Governor Froom then being Chief Justice, decided that they were entitled to the certificates, the question of their understanding of the English language having nothing to do with the case.

Sheriff Iaukea expressed the opinion that the High Sheriff was butting in by issuing these certificates when it has been customary for them to all come through the County Sheriff, and Iaukea refused the certificate on grounds which he thought ought to commend themselves. High Sheriff Henry, however, says the law makes it mandatory on him to issue such a certificate when it is applied for and the applicant is a competent driver.

The Kauai ponies for the local polo tournament will arrive from the Garden Island on July 12.

GREAT OCTOPUS SAFELY LANDED

An immense squid took the bait of a fisherman casting his line from the Allen street wharf yesterday afternoon, and after a hard struggle was pulled out of the water.

Brook Anin, a part Chinese boy, was fishing from the lumberyard wharf with hook and line when he felt a pull at his line which he thought to be caused by an albatross. The line was a very stout one and Anin held on with might and main. Unable to get the devilish out of the water and fearing to be pulled in himself, the fisherman shouted for help, and several people, attracted by his cries, were soon on the scene and assisted the boy to pull the great octopus from the water.

The squid was taken to a nearby scale, and weighed fifteen pounds. Its length from tentacle to tentacle was over eight feet.

An old waterfronteer who saw the squid said that it was the largest that has been caught in the harbor for a long time; in fact, the only one which has been taken with hook and line for years.

Every now and then a report goes the rounds of a great squid which has been seen in the harbor, and about a year ago an octopus weighing well over twenty pounds was speared by torch-light near the Heanani boat-house.

After the great koma of 1902, a section of a tentacle of a squid was found in the mass of seaweed which had accumulated in the harbor, which was as thick as a grown man's thigh. Now and again immense squids are seen by the fishers along the reef, but they are usually left alone, for they are ugly customers to tackle, especially in a boat. One of the large octopi is known to haunt a seawall near Kalaupapa, and is occasionally seen by fishermen toward the time of sunset. Its body is as big as a man's head, and it appears to frequent the same spot month in and month out.